



~~December 19, 2000 CPC~~
~~March 20, 2001 CPC~~
~~June 19, 2001 CPC~~
~~July 25, 2001 BS~~
~~January 23, 2002 BS~~
~~July 24, 2002 BS~~
~~January 22, 2003 BS~~
~~July 23, 2003 BS~~
~~December 16, 2003 CPC~~
~~January 20, 2004 CPC~~
February 25, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

01SN0149
(AMENDED)

LaVerne C. Cole

Bermuda Magisterial District
Northwest quadrant of West Hundred and Rock Hill Roads

REQUEST: (AMENDED) Amendment to Conditional Use Planned Development (Case 97SN0150) relative to architectural standards, uses, number of parking spaces and traffic density.

PROPOSED LAND USE:

In addition to uses that are currently permitted, the applicant would like the ability to develop a freestanding fast-food restaurant.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

- I. Recommend approval of deleting the requirement that architectural treatment be similar to Rivers Bend Shopping Center. This recommendation is made for the following reasons:
 - A. The majority of the property has already been developed and has established an architectural style.

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- B. Deletion of this requirement will allow additional development on the property to provide an architectural style compatible with that which currently exists.
- II. Recommend denial of the request to allow a freestanding fast food restaurant which is not an integral part of a convenience store operation. This recommendation is made for the following reason:

While the use does not comply with the Plan, the use was allowed under certain circumstances through negotiations during the zoning process, otherwise a fast food restaurant is not permitted.

PROFFERED CONDITION

- (CPC) 1. Use Restrictions. The following uses shall not be permitted on the Property:
- Communication towers.
 - Motor vehicle rental.
 - Hospital.
 - Temporary outdoor Christmas tree sales.
 - Outdoor prepared food and fruit and vegetable vendors. (P)

(Staff Note: This condition supersedes Proffered Condition 2 of Case 97SN0150.)

- III. Recommend approval of the requested exception to the required number of parking spaces. This recommendation is made for the following reasons:
- The proposed number of parking spaces is consistent with the number of spaces provided for similar restaurant facilities in other parts of the County and has proven to be sufficient for the size restaurant proposed.
 - The recommended condition would allow a sufficient number of spaces if a larger fast food restaurant is developed.

CONDITION

- (STAFF/CPC) Parking spaces for any freestanding fast food restaurant shall be provided at a rate of two (2) parking spaces per 142 square feet of gross floor area, with a minimum of fifteen (15) spaces. (P)

(Staff Note: With approval of this case, Proffered Condition 1 of Case 97SN0150 is deleted.)

- IV. Recommend denial of the request to exceed current density limitations related to traffic due to the increased traffic that will result on Route 10 and for the reasons outlined in the "Transportation" portion of this "Request Analysis".

PROFFERED CONDITIONS

- (CPC) 2. Traffic Density Limitations. The maximum density on the Property shall be 4,000 square feet of police station, 22,042 square feet of post office, 6,000 square feet of dentist and 4,750 square feet of fast food restaurant or equivalent densities as approved by the Transportation Department.

(Note: This condition supersedes Proffered Condition 20 of Case 97SN0150.)

- (CPC) 3. Signalization. The developer of that portion of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road, or his assignee, shall be responsible for full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department.

In the event the developer is unable to acquire any offsite right of way necessary for such improvements, the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the offsite right of way shall be borne by the developer. In the event the County chooses not to assist in acquisition of offsite right of way, the developer shall be relieved of the obligation to acquire the offsite right of way, and shall only provide the road improvements and signalization that can be accommodated within available right of way as determined by the Transportation Department. (T)

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

GENERAL INFORMATION

Location:

Located in the northwest quadrant of the intersection of West Hundred and Rock Hill Roads.
Tax ID 797-655-0018, 2444, 3409, 8223 and 8441 (Sheet 26).

Existing Zoning:

C-2 with Conditional Use Planned Development

Size:

8.9 acres

Existing Land Use:

Public/semi-public (Police Precinct and U.S. Post Office) or vacant

Adjacent Zoning and Land Use:

North - R-7 and A; Single family residential or vacant

South - A; Public/semi-public (cemetery)

East - A and C-3; Public/semi-public (cemetery), commercial or vacant

West - A with Conditional Use to permit a funeral home; Commercial

UTILITIES

The amendment will have no impact on these facilities.

ENVIRONMENTAL

The property drains to the rear, then via storm sewers or open channels to a tributary of Red Water Creek and then via Red Water Creek to the James River. There are no existing or anticipated on- or off-site, drainage or erosion problems.

PUBLIC FACILITIES

Fire Service:

This amendment will have no impact on these facilities.

Transportation:

The property (ten (10) acres) is located on the north side of West Hundred Road (Route 10) at the northwest corner of its intersection with Rock Hill Road. In 1997, the Board of Supervisors approved the rezoning (Case 97SN0150) of the property from Agricultural (A) to Neighborhood Business (C-2) with Conditional Use Planned Development (CUPD). As part of that rezoning approval, the Board accepted several transportation related proffers that included a maximum density of development, right of way dedications along Rock Hill Road and Route 10, access control along Route 10, and construction of road improvements along Rock Hill Road and Route 10. Many of these conditions have been satisfied with development of a United States Postal Service (USPS) office and a Chesterfield County Police Department station on the property.

The applicant is requesting several amendments to proffered conditions including the transportation proffer (Proffered Condition 20 of Case 97SN0150) regarding the maximum allowable density. Proffered Condition 20 allows for the maximum density (i.e., 32,000 square feet of shopping center and 3,500 square feet of convenience market with gas pumps or a density with an equivalent traffic generation) to be increased, if an access road (the "Access Road") is constructed north of Route 10 aligning the Parker Lane intersection. Staff does not support the applicant's request to increase development on the property, without construction of the Access Road.

During the rezoning process in 1997, a lot of discussion occurred about controlling the number of traffic signals along Route 10. Staff would not support that 1997 rezoning, without commitments that would limit the possibility of a traffic signal being warranted on Route 10 at Rock Hill Road or at the site access.

Installing traffic signals along major arterials like Route 10 increases traffic delays and results in mainline congestion; therefore, the number of traffic signals along Route 10 should be minimized. East of the Rock Hill Road intersection, a traffic signal on Route 10 serves the Breckenridge Shopping Center and the Heritage Automobile Dealership. West of the property, a crossover on Route 10 aligns Parker Lane and serves the Chester YMCA and the Gay Farms Subdivision. The Chester Village Plan suggests that the property located on the north side of Route 10, between the Rock Hill Road intersection and the Parker Lane intersection, is appropriate for neighborhood commercial uses. North of the property, recommended for neighborhood commercial uses, is a recorded subdivision (Dalewood) which has been partially developed. Based on an overall plan for this area, the Access Road could be constructed north of Route 10 aligning the Parker Lane intersection. The Access Road could serve the recommended neighborhood commercial area, as well as the developed and undeveloped property in the Dalewood Subdivision. Therefore, no additional traffic signals would be needed between the existing traffic signal at the Breckenridge Shopping Center/Heritage Dealership and the potential traffic signal at the Parker Lane/Access Road intersection.

As part of the 1997 rezoning request, the applicant submitted a traffic analysis that evaluated the capacities along Route 10 at four (4) intersections: 1) Route 1/301; 2) Breckenridge Shopping Center/Heritage Dealership; 3) the site access; and 4) Parker Lane/Access Road. The traffic analysis also looked at anticipated traffic progression along Route 10 if traffic signals are located at the various intersections. The applicant's traffic analysis compared the installation of two (2) new traffic signals along Route 10 (i.e., at both Parker Lane/Access Road and at the site access) versus installation of one (1) new traffic signal at the Parker Lane/Access Road intersection. As expected, the analysis indicated that less congestion (i.e., a better level of service) would occur along Route 10 with just one (1) additional traffic signal. In addition, a traffic signal on Route 10 at the site access would primarily serve development on the subject property because of the limited traffic that accesses the existing Sunset Cemetery, located on the south side of Route 10. Installation of a new traffic signal on Route 10 at the Parker Lane/Access Road intersection, however, could serve multiple property owners/developments.

Proffered Condition 20 allows 32,000 square feet of shopping center and 3,500 square feet of convenience market with gas pumps or a density with an equivalent traffic generation to be developed on the property, without construction of the Access Road. Subsequent to the rezoning, staff approved an equivalent density of a 22,042 square foot post office, a 4,000 square foot police station, a 6,000 square foot dental office and a 2,600 square foot convenience market with gas pumps. The applicant is requesting to increase the density from a 2,600 square foot convenience market with gas pumps to 4,750 square feet of fast food restaurant.

As previously noted, the post office and police station have been developed on the property. Site plans for the dental office and convenience store with gas pumps have been approved but not constructed. Staff collected traffic counts at the Rock Hill Road and site access intersections. Based on those actual traffic counts, traffic generated by the existing post office and police station is greater than what was originally anticipated. The existing traffic is equivalent to traffic that was anticipated to be generated by full development of the property, even though the dental office and convenience store have not been constructed.

The Transportation Department has received written requests from both the USPS and the Police Department asking for the installation of a traffic signal at the site access on Route 10. Even though the currently approved developments will result in generating a greater traffic volume than what was anticipated, the traffic signal warrants are still not anticipated to be met at either the Route 10 intersections with Rock Hill Road or the site access. The increase in density requested by the applicant could generate approximately 160 additional average daily trips, with 120 of these trips occurring in the morning peak hours. Any additional traffic increases the potential for a traffic signal to be installed on Route 10 at either Rock Hill Road or the site access.

As previously noted, staff cannot support a traffic signal at the site access. However, the applicant has proffered that the developer of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road will provide full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted (Proffered Condition 3). As proffered, the developer of the part of the property specifically identified would be responsible for the traffic signal, regardless of where development/redevelopment occurs on the entire property.

In order to install this traffic signal, additional right of way and road improvements will be necessary. The road improvements may include, but may not be limited to, relocation of utilities, extension of the eastbound left turn lane along Route 10, removal/relocation of the landscaping within the median of Route 10, and modification/adjustment to the private fence and access drive on the property (owned by Sunset Memorial Park), located on the south side of Route 10.

Installing the traffic signal on Route 10 will require the developer to acquire some "off-site" right of way from Sunset Memorial Park. According to the proffered condition, if the developer is unable to acquire the "off-site" right of way, the developer may request the

County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way and will only be obligated to provide the road improvements and signalization within available right of way. Without this right of way, the traffic signal cannot be installed.

The existing proffer allows for increased density on the property, provided the Access Road is constructed to the Parker Lane/Route 10 intersection. The applicant is not proposing to construct the Access Road. Therefore, the Transportation Department cannot support this request.

LAND USE

Comprehensive Plan:

The request property lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for neighborhood commercial use.

Area Development Trends:

The request property lies along a portion of West Hundred Road characterized by commercial zoning and land uses in the vicinity of the West Hundred Road/Jefferson Davis Highway intersection to the east. Public/semi-public use (a cemetery) exists to the south. Single family residential and commercial uses are located to the west and northwest. A convenience store with gasoline sales is located on adjacent property to the east, in the northeast quadrant of West Hundred and Rock Hill Roads.

Zoning History:

On July 23, 1997, the Board of Supervisors approved rezoning with Conditional Use Planned Development (Case 97SN0150) on the subject property and adjacent property to the north. With approval of Case 97SN0150, conditions were imposed and proffered conditions were accepted to address land use compatibility, access, architectural treatment, utilities, timbering, transportation improvements, lighting, buffers, traffic density and hours of operation.

Development Standards:

The property currently lies within an Emerging Growth Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Except as approved with Zoning Case 97SN0150 and as may be approved with this request, development must conform to the development standards of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Use Limitations:

Among other use limitations, Proffered Condition 2 of Case 97SN0150 prohibits fast food restaurant uses, except as an integral part of a convenience store operation. Approval of this request would allow a freestanding fast food restaurant without the requirement of it being part of a convenience store operation. The requested fast food restaurant use does not comply with the Chester Village Plan and is not in keeping with the agreement reached through negotiations with area property owners during the previous rezoning. Staff, therefore feels approval of this portion of the request would not be appropriate.

Architectural Treatment:

With approval of Case 97SN0150, the applicant proffered architectural treatment similar to Rivers Bend Shopping Center and all buildings would be compatible in architectural style, materials, colors, details and other design features (Proffered Condition 1, Case 97SN0150). Because the site has been partially developed with a U. S. Post Office and a county Police Precinct, the applicant has asked for relief from this requirement, as a different architectural style has already been established and any additional development on the property could continue the established style. Staff feels approval of this portion of the request would be appropriate.

Parking Spaces:

The Zoning Ordinance requires two (2) parking spaces per 100 square feet of gross floor area for a fast food restaurant. Based upon the stated size (4,750 square feet) of the proposed fast food restaurant, a minimum of ninety-five (95) spaces would be required. If approval of this request is granted, a minimum of sixty-seven (67) spaces would be allowed, which is two (2) spaces per approximately 142 square feet of gross floor area. Staff can support this reduction provided, if the restaurant is larger than the stated 4,750 square feet, the parking space to building area ratio of two (2) per 142 square feet is maintained (Condition). This would preclude a much larger restaurant from providing a minimum of sixty-seven (67) spaces. This reduction is consistent with the number of spaces provided for similar facilities in other parts of the County.

CONCLUSIONS

At the time of the original zoning, numerous conditions were negotiated with area residents. As noted, the Plan does not support a fast food restaurant. The Plan does not even support the approved combination fast food/convenience store.

With respect to the architectural treatment, the deletion of the proffer will allow any new buildings to be compatible with that which exists within the project.

The reduction in the number of parking spaces is consistent with that provided on similar sites within the County.

The increase in density could result in traffic congestion on Route 10, as discussed in the Transportation Section of this Analysis.

CASE HISTORY

Planning Commission Meeting (12/19/00):

At the request of the applicant, the Commission deferred this case to March 20, 2001.

Staff (12/20/00):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than January 16, 2001, for consideration at the Commission's March 20, 2001, public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (1/4/01):

The deferral fee was paid.

Staff (2/21/01):

To date, no additional information has been received.

Planning Commission Meeting (3/20/01):

At the request of the applicant, the Commission deferred this case to June 19, 2001.

Staff (3/21/01):

The applicant was advised in writing that any significant new or revised information should be submitted no later than April 16, 2001, for consideration at the Commission's June 19, 2001, public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (5/23/01):

The deferral fee was paid.

Planning Commission Meeting (6/19/01):

The applicant did not accept the recommendation. There was support and opposition present. Those in support indicated that other uses in the area have 24 hour operation with no apparent adverse impact on the area; that the use would not generate "new" traffic on area roads, but rather those already traveling area roads would patronize the business; and that perhaps a compromise would be appropriate to delete the hours restriction in return for additional restrictions relative to architecture, landscaping, etc.

Those in opposition expressed concerns that a 24 hour operation would increase traffic in the area; would not comply with the recommendations of the Chester Village Plan which suggests that gasoline sales should only be permitted in Neighborhood Commercial areas under special circumstances; and that while the post and police offices are open 24 hours per day, they do not generate the same amount of late night traffic that a convenience store would.

Mr. Cunningham indicated that the original restriction on hours for convenience store use had been negotiated with the applicant, Board and area neighborhoods. He stated that he saw no change in circumstances in the area that would suggest that the limitations should be reviewed.

Mr. Gecker indicated that it is important for the County to honor and protect the expectations of those who had participated in the original case and he, too, saw no change in circumstances since the original case.

Mr. Marsh suggested that perhaps there could have been more negotiation between the applicant and area residents to arrive at a compromise acceptable to all parties. He noted that another convenience store which operates 24 hours a day is located on adjacent property.

On motion of Mr. Cunningham, seconded by Mr. Gecker, the Commission recommended denial of this request.

AYES: Messrs. Cunningham, Gecker and Gulley.

ABSTENTIONS: Messrs. Marsh and Litton.

Board of Supervisors' Meeting (7/25/01):

At the request of the applicant, the Board deferred this case to January 23, 2002.

Staff (7/26/01):

The applicant was advised in writing that any significant new or revised information should be submitted no later than December 17, 2001, for consideration at the Board's January 23, 2002, public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Board's public hearing.

Staff (1/7/02):

The applicant requested a deferral to July 24, 2002. The deferral fee was paid.

Board of Supervisors Meeting (1/23/02):

At the request of the applicant, the Board deferred this case to July 24, 2002.

Staff (1/24/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than April 15, 2002, for consideration at the Board's July 24, 2002, public hearing. Also, the applicant was advised that a \$150.00 deferral fee must be paid prior to the Board's public hearing.

Staff (4/3/02):

The deferral fee was paid.

Staff (6/28/02):

The applicant requested a deferral to January 23, 2003.

Staff (7/25/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than October 14, 2002, for consideration at the Board's January 2003 public hearing. The applicant was also advised that a \$140.00 deferral fee was due.

Applicant (12/19/02 and 12/20/02):

The applicant has requested a deferral to July 23, 2003. The deferral fee was paid.

Board of Supervisors Meeting (1/22/03):

At the request of the applicant, the Board deferred this case to July 23, 2003.

Staff (1/23/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than April 14, 2003, for consideration at the Board's July 23, 2003, public hearing. Also, the applicant was advised that a \$140.00 deferral fee must be paid prior to the Board's public hearing.

Staff (4/21/03):

The deferral fee was paid.

Applicant (6/25/03):

The application was amended to reflect a new applicant.

Board of Supervisors Meeting (7/23/03):

At the request of the applicant, the Board remanded this case to the Planning Commission to allow amendment of the case.

Staff (7/28/03):

The applicant was advised in writing that the case would be scheduled for public hearing before the Planning Commission subsequent to any amendment.

Applicant (10/8/03):

The application was amended.

Planning Commission Meeting (12/16/03):

On their own motion, the Commission deferred this case to January 20, 2004.

Staff (12/17/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than December 22, 2003, for consideration at the Commission's January 20, 2004, public hearing.

Applicant (12/22/03):

To date, no new information has been received.

Applicant (1/20/04):

The applicant submitted a proffered condition to address transportation concerns.

Planning Commission Meeting (1/20/04):

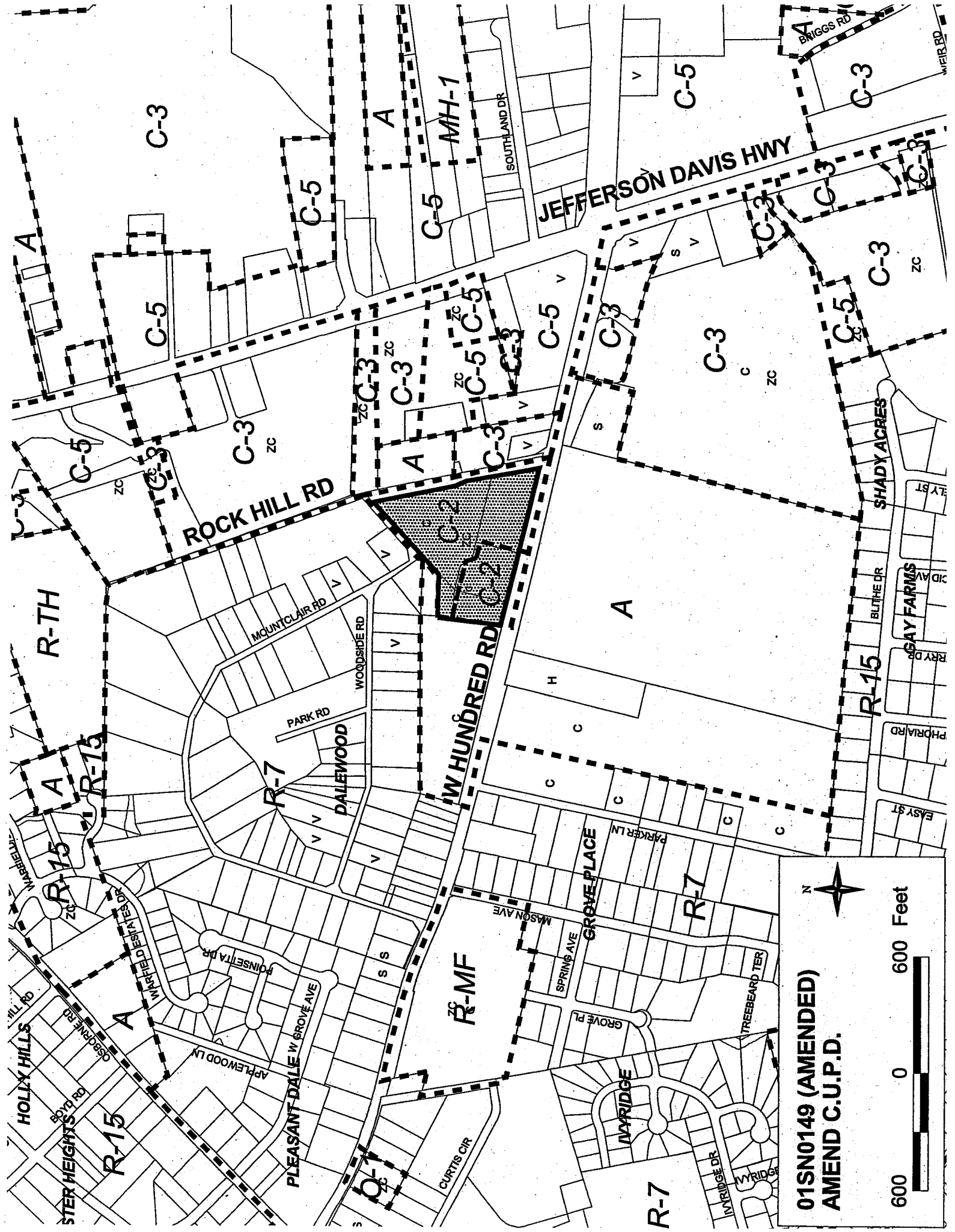
The applicant did not accept staff's recommendation, but did accept the Commission's recommendation. There was one (1) person in opposition and one (1) person in support present for the request. The opposition expressed concern about this area being a gateway to Chester, that the use is already allowed as part of a convenience store operation and that the zoning should remain as it is. A representative of the Gay Farms Civic Association indicated the community wanted office use at this location with the original zoning; thought the original negotiations were in the best interest of community and that a freestanding fast food restaurant would be less offensive than the convenience storage/fast food combination.

Mr. Wilson noted the use is supported by the Plan, under special circumstances. He indicated special circumstances exist; the use provides a good transition; the proposal complies with the Plan; and that all issues have been addressed.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission recommended approval of this request subject to the Condition and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, February 25, 2004, beginning at 7:00 p.m., will take under consideration this request.



01SN0149 (AMENDED)
AMEND C.U.P.D.



NORTH

JEFFERSON DAVIS

HERITAGE DEALERSHIP

BRECKENRIDGE

ROCK HILL

01SN0149

WEST HUNDRED RD

CEMETERY

YMCA

PARKER

1-6410NS10

CROSSOVER

EXISTING/POTENTIAL
SIGNALIZED CROSSOVER

POTENTIAL ACCESS ROAD